

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHAMONA SANDERS,

Plaintiff,

v.

SQA MAHADEV, LLC,
d/b/a OYO TOWNHOUSE,

Defendant.

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No. 2:23-cv-2165-SHL-cgc

**ORDER DENYING WITHOUT PREJUDICE
MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Before the Court is Plaintiff Shamona Sanders’s Motion for Entry of Default Judgment (ECF No. 39), filed April 18, 2024. Because entry of default was not sought first, the Motion for Entry of Default Judgment is **DENIED WITHOUT PREJUDICE**.

Federal Rule of Civil Procedure 55 establishes a two-step process for obtaining default judgment “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.” Fed. R. Civ. P. 55(a). First, if “that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” *Id.* Second, unless Rule 55(b)(1) applies, “the party must apply to the court for a default judgment.” Fed. R. Civ. P. 55(b)(2).

Even though Defendant SQA Mahadev, LLC (“Mahadev”) has seemingly refused to participate in this litigation since the first hearing on the motion to withdraw as counsel on January 2, 2024, (ECF No. 26), this motion for default judgment is still premature. Sanders must initiate “the first step, seeking entry of default from the clerk of court.” See Dahl v. Kanawha Inv. Holding Co., 161 F.R.D. 673, 683 (N.D. Iowa 1995). Because that first step has not been completed, the motion “for default judgment [is] not on the proper procedural footing.” *Id.*

The Court **DIRECTS** Sanders to file a motion for entry of default, pursuant to Rule 55(a), along with an affidavit or other competent proof of Mahadev's failure to defend. Accordingly, Sanders's Motion for Entry of Default Judgment is **DENIED WITHOUT PREJUDICE**. The Clerk's Office is **DIRECTED** to email this Order to quepatel@icloud.com and mail it to the following addresses:

SQA Mahadev, LLC dba Oyo Townhouse
registered agent, Mr. Qunishbhai Patel
6101 Shelby Oaks Drive
Memphis, TN 38134

SQA Mahadev, LLC
c/o Faisal Jiwani
6819 Crumpler Boulevard, Suite 100
Olive Branch, Mississippi 38654

IT IS SO ORDERED, this 24th day of April, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE